

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
SOUTHEAST DIVISION

| | | |
|---|---|---------------------|
| HENRY HAMILTON, individually and |) | |
| on behalf of others similarly situated, |) | |
| |) | |
| Plaintiff, |) | Civil Action No.: |
| |) | |
| vs. |) | 1:14-CV-00109ACL |
| |) | |
| CITY OF HAYTI, MISSOURI, |) | |
| GLENDA OVERBY, CALVIN |) | |
| RAGLAND, AMY LEEANN LANNIE, |) | Jury Trial Demanded |
| and MACO MANAGEMENT CO., INC., |) | |
| |) | |
| Defendants. |) | |

MOTION TO DISMISS ON BEHALF OF DEFENDANT CALVIN RAGLAND

COMES NOW the Defendant Calvin Ragland by the through his attorneys, Spradling & Spradling, and moves, pursuant to Rule 12(b) (6) of the Federal Rules of Civil Procedure, to dismiss the Plaintiff's Amended Complaint against him and in support thereof states:

1. Calvin Ragland is the elected Municipal Judge of the City of Hayti, Missouri. (Plaintiff's Amended Complaint Paragraph 5).
2. Defendant Ragland as the Municipal Judge is an officer, agent and employee of the City of Hayti, Missouri. (Plaintiff's Amended Complaint Paragraph 12).
3. It is alleged that Defendant Ragland has set fine/bond schedules for offenses and requires cash only bonds (Plaintiff's Amended Complaint Paragraphs 14 & 15).
4. As the Municipal Judge of the City of Hayti, Missouri, Calvin Ragland is absolutely immune from any liability under 42 U.S.C. §1983, (Count I) and absolutely immune under Missouri constitutional and statutory violations (Count III, state law tort claims

under Count IV, civil conspiracy under Count V).

5. Plaintiff's Amended Complaint fails to state a claim for which relief may be granted.
6. Further incorporated herein by reference is the Defendants' Legal Memorandum of Law in support of his Motion to Dismiss.

IT IS THEREFORE RESPECTFULLY SUBMITTED, the Court dismiss Plaintiff's Amended Complaint against the Defendant Calvin Ragland for the reasons set forth herein.

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III
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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2014, the foregoing was filed electronically with the Clerk of Court to be served by operation of the Court's electronic filing system upon the attorneys of record.

SPRADLING & SPRADLING

By: /s/ A.M. Spradling, III

